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January 13, 1997

G. Paul Bollwerk, III, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Regulatory Commission  
Washington, D.C. 20555

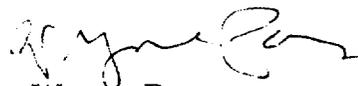
Re: The Matter of Private Fuel Storage L.L.C.

Dear Mr. Bollwerk;

Please find enclosed a copy of the RESPONSE OF SKULL VALLEY BAND OF GOSHUTES TO FURTHER SUPPLEMENTAL MEMORANDUM regarding the matter mentioned above.

If you have any questions or need further information do not hesitate to contact this office. Thank you.

Sincerely,



Wynne Parry  
Secretary

DQ/wp  
enc.

**United States Of America**  
**Nuclear Regulatory Commission**  
**Before the Atomic Safety and Licensing Board**

In the matter of	)	
	)	
Private Fuel Storage L.L.C.	)	Docket No. 72-22
	)	
(Private Fuel Storage Facility)	)	ASLBP No. 97-732-02-ISPSI

**RESPONSE OF SKULL VALLEY BAND OF GOSHUTES TO  
FURTHER SUPPLEMENTAL MEMORANDUM IN SUPPORT OF THE  
PETITION OF THE CONFEDERATED TRIBES OF THE GOSHUTE  
RESERVATION AND DAVID PETE TO INTERVENE AND FOR A HEARING**

The Confederated Tribes of the Goshute Reservation seeks to intervene in this proceeding based upon the spurious claim that certain of its members visit the Skull Valley Reservation, gather and eat food that grows in the "Skull Valley area," and are otherwise directly affected by what happens on the Skull Valley reservation. The Skull Band of Goshutes is a tribe separate and apart from the Confederated Tribes of the Goshute Reservation. As a matter of Federal law, Skull Valley and the Confederated Tribes are completely separate entities. They have different Federal ID numbers and different agencies under the Bureau of Indian Affairs. Elections in Ibapah for the Confederated Tribes do not have any impact on the members of Skull Valley and vice versa. As has previously been set forth in other pleadings, the Skull Valley Reservation is at least 60 miles as the crow flies, from the Confederated Tribes, whose Reservation extends into Nevada. The two Reservations are separated by three mountain ranges and one major deseret. By car, the distance is at least 180 miles.

The Confederated Tribes have no rights on or to the Skull Valley Reservation and therefore do not have standing to intervene in this proceeding. The Band respectfully

submits that this position is indisputable based upon the actions and statements of the Confederated tribes itself.

On October 4, 1992, Leon D. Bear, the now Chairman of the Skull Valley Band was hunting with his brother on the Confederated Tribes' Reservation at the Deep Creek Mountain Range. On that date, at approximately 11:15 a.m., Leon and his brother were stopped by a Confederated Tribes' Tribal Law Enforcement Officer, who confiscated their hunting rifles. The two were also charged with criminal trespass on the Confederated Tribe's Reservation. Exhibit 1 is a copy of the Appearance Ticket/Complaint issued to Mr. Bear by the Confederated Tribes' Tribal Law Enforcement Officer.

After several attempts to resolve this matter, on December 23, 1992, John Paul Kennedy, counsel for the Confederated Tribes, finally wrote to the undersigned counsel for the Skull Valley Band offering to drop the criminal charges,

“if they [Leon D. Bear and his brother] would stipulate that they have no right to hunt and fish (or gather) on the Goshute Reservation at Ibapah and they would not do so in the future without written authorization of the Tribal Business Council at Ibapah.”

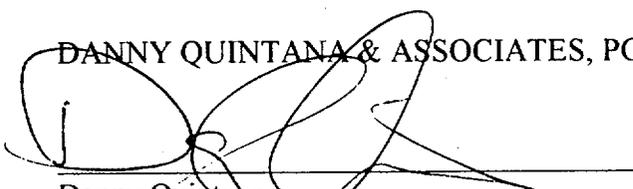
A copy of Kennedy's letter is attached as Exhibit 2. Since it is the Confederated Tribes' position that members of the Skull Valley Band are trespassing on the Confederated tribes' Reservation when they hunt, fish and gather without “written authorization” of the Confederated Tribes' Business Council, then as a matter of simple reciprocity (let alone fairness and equity), the members of the Confederated Tribes can have no greater rights with respect to the Skull Valley Reservation. The Confederated Tribes should certainly not be entitled to claim credit for access to and the hospitality of the Skull Valley Reservation when they treat access to their own reservation by members

of the Skull Valley Band as a criminal trespass. The Confederated Tribes are estopped from claiming any rights to the Skull Valley Reservation. This Honorable Court can take judicial notice that there are over 500 Federally recognized tribes in the United States. Each have their own government. Many still have their own reservations. Some share reservations like the Confederated Goshutes who include within their membership, PIAUTES and Western Shoshones. The Uintah and Ouray Reservation in Northeast Utah includes White River and Uncompadre Utes and Uintahs. The language groups and blood lines have resulted in tribes having some proximity to each other, like the various Sioux and Oklahoma tribes. However, where tribes have defined borders and Federal ID numbers, different B.I.A. agencies and completely different governments, they are separate tribes.

Unless members are enrolled in both tribes, which is clearly not the case here, they have no rights in the internal affairs of the other tribe. Only Congress under Article I, Section 8 has the power "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes". Governor Michael "over my dead body" Leavitt and Mr. Kennedy seem to be oblivious to this fundamental legal principle. The Skull Valley Band of Goshutes respectfully pray that the Confederated Tribes of Goshute Reservation be denied intervention in this proceeding.

DATED this 7<sup>th</sup> January, 1998.

DANNY QUINTANA & ASSOCIATES, PC.



Danny Quintana  
General Counsel for the  
Skull Valley Band of Goshutes

CONFEDERATED TRIBES OF THE GOSHUTE INDIAN RESERVATION APPEARANCE TICKET—COMPLAINT

102 02

THE PEOPLE OF THE CONFEDERATED TRIBES OF THE GOSHUTES

DATE OF ISSUE

CRIMINAL  TRAFFIC

THE UNDERSIGNED BEING DULY SWORN, SAYS THAT ON OR ABOUT:

Month: 10 Day: 14 Year: 92 AT APPROX. 12:30 PM (P.M.) Day of week

- 1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

Defendant's Name (First, Middle, Last) ARTHUR KUMM OPPENHEIM

Street City State Zip P.O. Box 15 JACKSON MT 59401

State Driver's License Number Social Security Number

Race Sex Date of Birth Hair Weight Height Eyes Scars or Marks M R 11/17/50 BRN 5'5 BRN

Employed by Vehicle Plate Number Year State Vehicle Description (Year, Make, Color) Type 6771 92 MT 1990 Ford 6 cyl 12.0V 174

THE PERSON NAMED ABOVE IN VIOLATION OF: TRAFFIC

State Law  Tribal Ordinance  C.F.R.-25

At or Near: Little North Fork Creek

Within Goshute Reservation: Indian, MT

County of: Carbon Did the following

Describe: TRAFFIC ON HIGHWAY SWING ST JACKSON TR-TRUCK TRIBE OF INDIAN SHOSHONE ENCLAVEMENT

NOTICE TO DEFENDANT YOU MUST APPEAR IN COURT TO ANSWER THIS COMPLAINT

on \_\_\_\_\_  within \_\_\_\_\_ at \_\_\_\_\_ a.m. p.m.

In the \_\_\_\_\_ Court at \_\_\_\_\_

Court Address & Phone Number \_\_\_\_\_

IF YOU FAIL TO APPEAR AS ORDERED AN ARREST WARRANT FOR YOU WILL BE ISSUED BY THE COURT

Officer's I.D. \_\_\_\_\_ Officer's/Complainant's Name (Print) \_\_\_\_\_

Agency O.R.I. K024 Agency Name Tribal Law Enforcement

I DECLARE UNDER THE PENALTIES OF PERJURY THAT THE STATEMENTS ABOVE ARE TRUE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.

Date: 10/14/92 Complainant's Signature

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS DATE Signature and Title: \_\_\_\_\_ Complainant's Signature

PRESS HARD — YOU ARE MAKING THREE COPIES White & Copy — Court Copies Pink — Processor's Copy Gold — Defendant's Copy

102 02 (Name) (Case No.)

JOHN PAUL KENNEDY  
ATTORNEY AT LAW  
1385 YALE AVENUE  
SALT LAKE CITY, UTAH 84105  
TELEPHONE (801) 583-8170  
TELEFAX (801) 581-1007

December 23, 1992

By Telefax: 521-4625

Mr. Danny Quintanna  
Judge Building, Suite 735  
8 East Broadway  
Salt Lake City, Utah 84111

Re: Hunting trespass

Dear Danny:

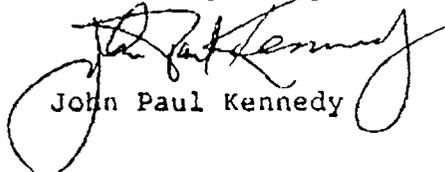
I received your proposed agreement on gaming.

I must say that the proposal was nothing like what I discussed with you. To reiterate my clients' position: If your individual clients would like to avoid going through a criminal trial on the hunting matter, the Goshute Tribe at Ibapah would be willing to resolve the matter if they would stipulate that they have no right to hunt and fish (or gather) on the Goshute Reservation at Ibapah and that they would not do so in the future without written authorization of the Tribal Business Council at Ibapah. I suggested that since they are the leaders at Skull Valley, they should have a council resolution setting forth the foregoing so we don't have similar problems with others in the future.

Your draft sets forth numerous matters which I am certain would be unacceptable to the Goshute Tribe at Ibapah.

If the case is resolved, I am confident that we can arrange for the speedy return of the rifles. Short of resolution, however, I think the police will object to such a return. Please let me know as soon as possible whether your clients want to resolve this matter along the lines I've indicated. If not, the case should go forward.

Yours very truly,

  
John Paul Kennedy

## CERTIFICATE OF SERVICE

I hereby certify that copies of the above Response were served upon the persons indicated below in the manner stated on the date stated:

Attn: Docketing & Service Branch  
Secretary of the Commission  
U.S. Nuclear Regulatory Commission  
Mail Stop 016G15  
11555 Rockville Pike One White Flint North Washington, D.C. 20555  
Rockville, MD 20852-2738  
*(original and two copies -- Fed. Ex. Only)*

Dr. Jerry R. Kline  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
email jrk2@nrc.gov

G. Paul Bollwerk, III, Chairman  
Administrative Judge  
Atomic Safety and Licensing Board  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
email gpb@nrc.gov

Dr. Peter S. Lam  
Administrative Judge  
Atomic Safety and Licensing Board  
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email psl@nrc.gov

Office of the Secretary  
Attn: Rulemakings and Adjudication Staff  
U.S. Nuclear Regulatory Commission  
Washington, D.C. 20555  
*(Fed. Ex. Only)*

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kjohnson@kimballparr.com

Dated: January 13, 1998.

A handwritten signature in cursive script, appearing to read "Wayne Parr", is written over a horizontal line.